



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/635,183	06/27/2017	Clifford Paul STROM	338312-US-CNT	1284
39254	7590	10/01/2020	EXAMINER	
Barta, Jones & Foley, P.C. (Patent Group - Microsoft Corporation) 3308 Preston Road #350-161 Plano, TX 75093			LANIER, BENJAMIN E	
			ART UNIT	PAPER NUMBER
			2437	
			NOTIFICATION DATE	DELIVERY MODE
			10/01/2020	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@bjfip.com
usdocket@microsoft.com
uspto@dockettrak.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CLIFFORD PAUL STROM, DANIEL KEVIN MCBRIDE,
ARVIND RAMAKRISHNAN, YASHRAJ MOTILAL BORSE, and
CHITTARANJAN PATTEKAR

Appeal 2019-004390
Application 15/635,183
Technology Center 2400

Before MARC S. HOFF, JENNIFER L. McKEOWN, and SCOTT E. BAIN,
Administrative Patent Judges.

BAIN, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's
decision to reject claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in
37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as
Microsoft Technology Licensing, LLC. Appeal Br. 1.

BACKGROUND

The Claimed Invention

The invention relates to “enterprise management of devices and applications.” Spec. ¶ 2. Claims 1, 8, and 15 are independent. Claim 1 is illustrative of the invention and the subject matter in dispute, and is reproduced below:

1. A system for managing execution of applications associated with an enterprise, said system comprising:

a mobile computing device comprising:

a memory; and

one or more processors programmed to:

enroll the mobile computing device with the enterprise, the enrolling authorizing the enterprise to send applications to the mobile computing device;

upon enrolling the mobile computing device with the enterprise, receive an enrollment token from the enterprise;

store the enrollment token in the memory;

receive an application;

based at least on a determination that the application is associated with the enrollment token, determine the application is associated with the enterprise that has authorization to send applications to the mobile computing device; and

upon determining the application is associated with the enterprise, install the application.

Appeal Br. A-1 (Claims App.) (emphasis added).

References

The references relied upon by the Examiner are:

Name	Reference	Date
Robinson et al. ("Robinson")	US 7,747,851 B1	June 29, 2010
Madsen et al. ("Madsen")	US 8,473,749 B1	June 25, 2013
Raleigh et al. ("Raleigh")	US 2012/0084184 A1	Apr. 5, 2012

The Rejections on Appeal

Claims 1–20 stand rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1–19 of U.S. Patent No. 9,754,089. Final Act. 4–6.

Claims 7 and 14 stand rejected under pre-AIA 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventors regard as the invention. Final Act. 6–7.

Claims 1–3, 5, 6–10, 12–17, 19, and 20 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Raleigh and Madsen. Final Act. 8–10.

Claims 4, 11, and 18 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Raleigh, Madsen, and Robinson. Final Act. 10.

DISCUSSION

We have reviewed the Examiner's rejections in light of Appellant's arguments presented in this appeal. Arguments that Appellant could have made but did not make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). For the reasons discussed below, Appellant has not persuaded us of error. We adopt as our own the findings and reasons set

forth in the rejections and in the Examiner’s Answer, and we provide the following for highlighting and emphasis.

Double Patenting Rejection (Claims 1–20)

Appellant does not contest the Examiner’s rejection on the ground of double patenting. Final Act. 4–6. We, therefore, summarily sustain the rejection.

Indefiniteness Rejection (Claims 7 and 14)

Appellant does not contest the Examiner’s rejection on the ground of indefiniteness. Final Act. 6–7. We, therefore, summarily sustain the rejection.

Obviousness Rejections (Claims 1–20)

Appellant argues the Examiner erred in finding the prior art teaches or suggests “based at least on a determination that the application is associated with the enrollment token, determine the application is associated with the enterprise that has authorization to send applications to the mobile computing device,” as recited in claim 1. Appeal Br. 11–12; Reply Br. 1–2. Specifically, Appellant argues the Examiner relies on Madsen as teaching the disputed limitation, but Madsen “does [] not describe comparing an application with an enrollment token.” Appeal Br. 11. Additionally, Appellant argues that Madsen and Raleigh both disclose only determining whether an application can *run* during certain operations, not whether it can be downloaded. *Id.* We, however, are not persuaded of error.

As the Examiner finds, Raleigh (not Madsen) teaches a “verification procedure” performed on an application, including comparing an application certificate with a signature stored on a wireless device. Ans. 5; Raleigh ¶¶ 150–152. Raleigh further teaches “policy rules” to enable “access” to

certain enterprise data by “secure” applications on a device. *Id.* at ¶ 152. As the Examiner further finds, Raleigh’s system identifies “an approved enterprise application” and using a “certificate (i.e., enrollment token) to identify the application . . . as being an approved enterprise application.”

Ans. 5. In addition, as the Examiner finds, Madsen teaches using “authentication information” to approve installation of software, including provisioning with an “application token.” Madsen 4:37–47. The Examiner, in sum, relies on Madsen’s teachings regarding authentication using a token, combined with Raleigh’s teachings regarding enterprise authentication.

We, therefore, are unpersuaded by Appellant’s arguments regarding Madsen alone (or Raleigh alone). *See In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986) (“Non-obviousness cannot be established by attacking references individually where the rejection is based upon the teachings of a combination of references.”).² Similarly, in the Reply Brief Appellant asserts the Examiner relies on Raleigh (not Madsen), but we are unpersuaded of error for the same reason.

Appellant also argues that neither reference teaches determining whether to “download” an application. Appeal Br. 12. As the Examiner

² Appellant does not contest the Examiner’s rationale in combining the references, and we discern no error in the rationale on this record. *See* Final Act. 9 (“It would have been obvious to one of ordinary skill in the art at the time the invention was made for the enterprise access control system of Raleigh to have included pre-installation verification as described in Madsen in order to ensure that approved applications are installed on the device as suggested by Madsen (Col. 4, lines 37-40).”); *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (holding there must be some “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”)

observes, however, claim 1 does not recite determining whether to “download” an application. Ans. 7. Rather, claim 1 recites determining the “application is *associated with* the enterprise that has authorization to send” applications to the mobile device. Appeal Br. A-1 (Claims App.) (emphasis added). As the Examiner finds, the combination of Raleigh’s authorization system with Madsen’s teachings regarding “user authentication” and “approved client applications” to “install” an application, teaches the “association” recited in claim 1. Ans. 7.

Accordingly, we are not persuaded the Examiner erred in rejecting claim 1 as obvious over Raleigh and Madsen. We are also not persuaded of error regarding the obviousness rejections of the remaining claims, which Appellant does not argue separately. We, therefore, sustain the obviousness rejections of claims 1–20.

CONCLUSION

We affirm the Examiner’s decision rejecting claims 1–20.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	NA	Double Patenting	1–20	
7, 14	112, ¶ 2	Indefiniteness	7, 14	
1–3, 5, 6–10, 12–17, 19, 20	103	Raleigh, Madsen	1–3, 5, 6–10, 12–17, 19, 20	
4, 11, 18	103	Raleigh, Madsen, Robinson	4, 11, 18	
Overall Outcome			1–20	

Appeal 2019-004390
Application 15/635,183

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv). *See* 37 C.F.R. § 41.50(f).

AFFIRMED